

U.S. Patent Application No. 09/901,190  
Amendment dated October 13, 2004  
Reply to Office Action of July 15, 2004

**REMARKS/ARGUMENTS**

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims is fully supported by the present application. Essentially, claim 1 now includes the limitations of claim 2. Claim 7 includes the limitations of claim 8. Claim 10 includes the limitations of claim 11. Claim 15 includes the limitations of claim 16. Claim 18 includes the limitations of claim 20. It is noted that claims 2, 8, 11, 16, and 20 were only objected to. Therefore, by incorporating the language of these claims into their respective independent claims, all claims should be in condition for allowance. Thus, no questions of new matter should arise and entry of this amendment is respectfully requested.

At page 2 of the Office Action, the Examiner rejects claims 1, 3, 4, 10, 12, 13, 18, and 19 under 35 U.S.C. §102(e) as being anticipated by Yamamura et al. (U.S. Patent No. 6,333,992 B1). According to the Examiner, Yamamura et al., at column 7, lines 7-9, and in Figure 1, element 3, describes a capture section for capturing the picked-up image. Furthermore, the Examiner states that Yamamura et al., at column 7, lines 15-24; column 7, lines 66 - column 8, line 3; and in Figure 1, element 5, describes a generation section for processing the captured, real picked-up image to generate a pseudo-image on which the change in image pick-up conditions relative to the real image is reflected. According to the Examiner, Yamamura et al. also describes a detection section for detecting the image of the object from the pseudo-image and a change section for changing the image processing parameter so that the image of the object is not erroneously detected.

With respect to claim 3, the Examiner states that Yamamura et al. describes the limitation of claim 3, at column 12, lines 43-45; Figure 1, element 18; and Figure 9, element 45.

With respect to claim 4, the Examiner states that Yamamura et al., at column 13, lines 16-

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23, describes a first calculation section for calculating the detection error of the image of the object contained in the pseudo-image using the image processing parameter. Furthermore, the Examiner states that column 13, lines 33-38, and column 14, lines 5-7, state that the change section changes the image processing parameters so that the detection error satisfies a predetermined detection accuracy. For the following reasons, this rejection is respectfully traversed.

As noted above, claim 2 was not part of this rejection, nor claim 8, nor claim 11, nor claim 20. Accordingly, now that claims 1, 7, 10, 15, and 18 include the limitations of these claims, this rejection is moot and should be withdrawn.

At page 4 of the Office Action, the Examiner rejects claims 7, 9, 15, and 17 under 35 U.S.C. §102(e) as being anticipated by Doi et al. (U.S. Patent No. 6,360,003 B1). According to the Examiner, Doi et al., at column 9, line 48, and in Fig. 5, element 11, describes a detection section for detecting the image of the object from the captured real picked-up image using an image processing parameter. Furthermore, the Examiner states that precision corresponds to accuracy and that processing timing or rate corresponds to time. Therefore, Doi et al. also describes a change section for changing the image processing parameter so that the detection error, the detection processing time, or both, obtained when the image of the object is detected by the detection section satisfies the predetermined detection accuracy, the predetermined reference time, or both.

With respect to claim 9, the Examiner asserts that an input section for inputting the image processing parameter is inherent because the image processing parameter must somehow be inputted. Furthermore, the Examiner asserts that Doi et al., at column 9, lines 12 and 56-57, describes that the change section changes the image processing parameter automatically without re-input of the image processing parameter.

For the following reasons, this rejection is respectfully traversed.

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Claim 8 was not part of this rejection, nor claim 16. Since claims 7 and 15 now include the limitations of these objected to claims, this rejection is moot and should be withdrawn.

At page 6 of the Office Action, the Examiner provisionally rejects claims 1, 10, and 18 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 6, 14, and 20 of the co-pending U.S. Patent Application No. 09/901,298. For the following reasons, this provisional rejection is respectfully traversed.

With respect to the obviousness-type double patenting, since this is a provisional rejection, it would be best to permit the present application to issue into a patent and address this rejection when U.S. Patent Application No. 09/901,298 is examined. The undersigned notes that this is acceptable under the guidelines set forth in the MPEP. Accordingly, this provisional rejection should be withdrawn.

At the bottom of page 6 of the Office Action, the Examiner indicates that claims 2, 5, 6, 8, 11, 14, 16, and 20 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. The applicant appreciates the Examiner's indication that these claims would be allowable if re-written in independent form. As stated above, this has been done with respect to claims 2, 8, 11, 16, and 20. Accordingly, all claims are in condition for allowance.

If there are any remaining questions with respect to the present application, the Examiner is encouraged to contact the undersigned by telephone.

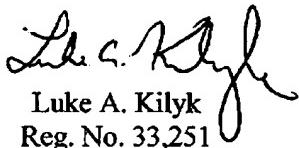
## **CONCLUSION**

In view of the foregoing remarks, the applicant respectfully requests the reconsideration of this application and the timely allowance of the pending claims.

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If there are any other fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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